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Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

I. Introduction

1. By its resolution 1840 (2008), the Security Council extended the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH) until 15 October 2009 and requested me to report on its implementation semi-annually. The present progress report covers major developments between the issuance of my report dated 27 August 2008 (S/2008/586) and 27 February 2009, and progress made in the implementation of the Mission's mandate, as set out in Security Council resolutions 1542 (2004), 1608 (2005), 1702 (2006), 1743 (2007), 1780 (2007) and 1840 (2008).

II. Political developments

2. The reporting period was marked by encouraging indications of a new readiness among the Haitian political leadership to work together, in particular in response to the crisis created by a devastating series of hurricanes and tropical storms and more recently by renewed tensions related to the upcoming senatorial elections.

3. Nearly five months after the vote of censure against the Government of former Prime Minister Jacques-Edouard Alexis, the Senate approved the *Déclaration de politique générale* of Michèle Duvivier Pierre-Louis on 5 September 2008, and she was sworn in as Prime Minister on the same day. The Senate's action occurred against the background of a pressing need for concerted Government action to respond to storms that had hit the country in August and early September, taking an enormous toll on the country's infrastructure and people. This included tropical storm Hanna, which during the night of 1 to 2 September caused massive flooding and damage, especially in the city of Gonaïves (as described further below). The installation of the new Government was welcomed by MINUSTAH and the wider international community, which had sought to foster a collaborative approach required to resolve this long-standing political impasse.

4. The need to respond jointly to the cyclones dominated the agendas of the Government and Parliament in September and October. On 8 and 9 September, the lower and upper houses of Parliament respectively passed a law allowing the President to declare a state of emergency in the wake of natural disasters, and thereby put in place a system of flexible disbursement of national funds to assist

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affected populations. President René Préval drew upon this authority one day later, enabling the Government to disburse $200 million in relief to hurricane victims. The Haitian private sector joined relief efforts by raising funds and in-kind assistance, while the international community also provided substantial assistance, as detailed further below. Subsequently, the Parliament approved a revised 2007/08 budget on 30 September 2008.

5. Following this period of collaboration, relations between the executive and legislative branches deteriorated in November, when parliamentarians expressed dissatisfaction with the new Government and questioned in particular its management of post-disaster funds. On 27 November, five senators belonging to Lespwa, the main political formation represented in the Government, initiated the "interpellation" of the Minister of Economy and Finance, holding him responsible for Haiti's economic problems. Although this summons (which can culminate in a vote of censure) was later postponed sine die, Parliament has continued to hold numerous hearings with the Prime Minister and various cabinet ministers.

6. On 9 December, representatives of the Government and Parliament agreed to a joint legislative agenda for 2009. This was an unprecedented development in recent Haitian history and offered grounds for renewed hope for cooperation. Internal parliamentary elections in January resulted in the election of a new bureau in the Chamber of Deputies, which expressed a commitment to implement the 2009 joint legislative agenda. Progress in its implementation, however, has been modest to date. Also in January, both chambers of Parliament returned to the Government the draft 2008/09 budget, with numerous recommendations for revision. The budget had not been adopted at the time of writing.

7. Within the Senate, the sitting bureau was extended for an additional year without a vote, after none of the new candidates for the presidency of the bureau was able to secure a majority. This leadership contest contributed to tensions within the upper house, whose functioning has otherwise been seriously hampered by the fact that only 18 of its 30 seats have been filled since May 2008. As a result, several attempts to convene a Senate session in January and February 2009 were unsuccessful, since a quorum (16 senators) could not be reached.

8. The organization of elections to fill the 12 vacant Senate seats could help to facilitate the functioning of the upper house. In order to contribute to political stabilization, however, the elections must be perceived as free, fair and inclusive and they must be held in a climate of open and peaceful debate. The registration by the Provisional Electoral Council of 33 political parties for the elections was broadly seen as consonant with such an approach. However, the decision of the Council on 5 February to disqualify from participation 40 of 105 senatorial candidates, including all representatives of the Fanmi Lavalas party, was questioned by national and international actors in view of its potential impact on the credibility of the electoral process.

9. Throughout the period under review, President Préval has repeatedly called for national unity to build peace and foster long-term development. In his New Year's address to the nation, he indicated that the rebuilding of the country's infrastructure and the development of national dialogue were his key priorities for 2009. The President subsequently established four commissions, on constitutional reform, justice reform, competitiveness and information technology, all of which include a variety of representatives from the public and private sectors. While the last three

have been mandated to report within 12 months. The first, on constitutional reform, is expected to submit its recommendations to the President within four months.

10. The President has sought to strengthen collaboration between Haiti and key international partners as a means of helping the country respond to urgent needs. In this connection, he travelled to the Dominican Republic on 24 and 25 January to participate in a meeting on economic issues and undertook a visit to Washington, D.C. from 3 to 6 February. Consideration is ongoing regarding the re-establishment of the Haitian-Dominican Joint Commission, which could facilitate collaboration between the two Governments on issues of mutual interest.

11. Professor Paul Collier, an eminent economist based at Oxford University, visited Haiti from 1 to 5 December at my request in order to help identify measures that could favour the long-term economic recovery of Haiti. He subsequently outlined a number of proposals, focusing in particular on job creation through the revival of export-driven industries, which are intended to contribute to ongoing reflections by national authorities and to complement such existing strategies as the post-disaster needs assessment and the poverty reduction strategy paper. The President and Prime Minister, as well as the private sector, have welcomed the proposals.

12. On 29 December 2008, President Préval, together with Prime Minister Pierre-Louis and members of her Government, issued a decree setting the first and second rounds of the partial senatorial elections for 19 April and 7 June 2009 respectively. The elections have been postponed since the end of 2007. MINUSTAH has continued to provide technical, logistical and security assistance to the Provisional Electoral Council and other Haitian authorities in support of this process.

13. On 28 November 2008, the Provisional Electoral Council launched the registration process for political parties and candidates for the elections. On 6 January, the Council issued a list of 33 political parties authorized to compete in the elections, including Fanmi Lavalas. On 23 January, when the registration of candidates closed, 105 candidates had registered for the elections, with candidates from Lespwa, Union and Fanmi Lavalas running in all 10 departments. A total of 16 candidates for the 12 open seats submitted their candidatures as representatives of Fanmi Lavalas, citing authorization by two separate leadership groups within the party. On 5 February, the Council published a list of 65 validated candidates while invalidating 40 candidates, including all of those presented by the two factions of Fanmi Lavalas, as well as seven of nine candidates that a Haitian human rights non-governmental organization had denounced as lacking the necessary integrity to be considered for office. Following widespread expressions of concern, as noted above, the Council provided for a further one-week period to receive complaints from rejected candidates, after which it published a final list of 78 approved candidates. While this included representatives of 16 political parties and 4 independents, all Fanmi Lavalas candidates remained excluded, on the basis that the party had failed to submit a single consolidated slate of candidates authorized by its formal leader, former president Jean-Bertrand Aristide.

14. In order to comply with new requirements for voter access established by the electoral law of 25 July 2008, the Council, with support from MINUSTAH, identified 630 new voting centres throughout the country that would supplement the 821 existing centres. The security assessment of the new centres, carried out jointly by the Haitian National Police and MINUSTAH, began in December 2008 and was

completed in February. The Council launched a competitive recruitment process to staff its 11 regional and 142 local offices, as required by the electoral law. All staff at the regional level were installed in February, whereas staff at the local level were expected to be installed at the beginning of March. It is planned that electoral security officers will be recruited and trained in March and deployed to all voting centres by mid-April in order to secure electoral material.

15. The update of the voter roll by the Haitian National Identification Office, with the support of the Organization of American States, resulted in the registration of more than 580,000 new voters as at February 2009, bringing the total number of eligible Haitian voters to 4,119,600. National authorities launched the printing and distribution of new voter cards in December.

III. Institutional support and strengthening of the State

16. During the reporting period, MINUSTAH continued its efforts to enhance institutional capacity at the national level, with a particular focus on the Parliament and the Ministry of the Interior and Local Government, while continuing to provide support to local authorities.

17. On 9 and 10 December 2008, representatives of the Government and Parliament, with support from MINUSTAH and donors, participated in a joint workshop that culminated in the adoption of an agreed legislative agenda for 2009, as noted above. The agenda comprises 31 laws and 10 conventions, including measures that can assist in the consolidation of stability, such as legislation intended to curb corruption, and a draft customs code. The successful implementation of this substantial agenda would represent a significant increase in legislative activity in comparison with previous years and would require considerable effort by the Government to prepare draft legislation and by parliamentarians to review and adopt it. To date, however, only four international conventions have been ratified by Parliament, while the Chamber of Deputies has adopted two laws (on drinking water and on minimum wage) as well as anti-kidnapping legislation, which had been adopted by the Senate in 2008.

18. The adoption by the Senate and Chamber of Deputies of enhanced internal rules in November 2008 and February 2009 respectively opens the way for the adoption of a statute on parliamentary staff, together with administrative and financial regulations, that could improve the functioning of the legislature. In an effort to promote transparency, the Parliament's expenses for 2008 were published in January 2009 on the legislature's website and in local newspapers.

19. In view of the key role played by the Ministry of the Interior in mandate-related areas such as border control and local administration, MINUSTAH is working to support the ministry's capacity to undertake its functions, including by training senior staff and providing assistance in the development of workplans, job profiles and a competitive recruitment system. The Mission is also supporting a programme to provide standardized training on public finance, protocol and ethics within all the communes, which is scheduled to be completed by July 2009. Meanwhile, drawing on funding for quick-impact projects, MINUSTAH has launched 49 labour-intensive and income-generating projects within local communities during the reporting period. The projects provided medium- or longer-term employment to approximately 1,000 people engaged in such areas as raising

livestock and cultivating fruits and vegetables, as well as recycling and brick and tile production.

20. While this assistance can help to strengthen Haitian institutional capacity in areas immediately related to the stabilization process, both Government and local administrations continue to suffer from limited capability to provide other vital services to its people, including health care and education, which may also have a critical impact on stability in the long term. During the reporting period, the shortcomings of current regulatory and oversight capacities were suggested by the collapse of a school near Port-au-Prince, which led to the death of more than 100 people, many of them children; protracted disputes over the payment of salaries to teachers; and acrimonious labour actions that paralysed some hospitals in the capital. Meanwhile, there has been little movement in clarifying the legal and practical arrangements for decentralization, which could enhance the ability of local administrations to provide services. Both President Préval and Prime Minister Pierre-Louis have noted the need for a coordinated effort to enhance governance and administrative capacity, which could draw on international support.

21. The Government, with assistance from MINUSTAH as well as international financial institutions and donors, is preparing or updating a number of key policy texts related to border management, including an integrated border management plan, the Haitian customs code and the law on the National Council for Coordination of Integrated Border Management. With bilateral funding, the construction of border facilities in Ouanaminthe and Belladère continued to advance during the reporting period, while the rehabilitation of the border facility at Malpasse is expected to be completed by March 2009. MINUSTAH has supported regional working groups in Malpasse, Ouanaminthe, Gonaïves and Jérémie that bring together various local authorities involved in border management. However, their effectiveness would be greatly improved through a close linkage with the central Government, along the lines of the proposed National Council for Coordination of Integrated Border Management, which would provide an overarching legal structure in which to monitor and coordinate border management and related reforms.

22. Following the upgrading of the customs data system, the intensification of road patrolling and the opening of new checkpoints, there has been a significant increase in the collection of revenue by the customs service, which constitutes one third of the State's fiscal resources. They now stand at a monthly average of 750 million gourdes ($19 million), up by 36 per cent from the average monthly total of 550 million gourdes ($14 million) two years earlier. These encouraging developments took place notwithstanding the fact that the Government had temporarily reduced customs duties on some basic products and expedited clearance procedures to facilitate the delivery of emergency relief after the storms. An arson attempt on 20 January that damaged some customs-related computers and archives at the port of Port-au-Prince offered a reminder of the potential for opposition to reform efforts.

IV. Security situation

23. During the reporting period, the country remained generally calm, with a decline in some criminal activities, in particular kidnappings, which had previously undermined public confidence. Other types of crime increased, however, and the

situation remains very fragile. Persistent poverty and youth unemployment in urban areas, aggravated by the destruction caused by the hurricanes and storms in 2008, have created an environment that is vulnerable to civil unrest and to renewed gang activity. Instances of civil unrest with violence have been increasing steadily since December 2008. Furthermore, notwithstanding the arrests that have taken place to date, a number of former gang members remain at large and could potentially be activated for political or criminal purposes. Reports of widespread trafficking in drugs and weapons throughout the country continue to be of particular concern. The potential scale and destructive impact of such activity was highlighted by an alleged theft of money linked to drug trafficking that took place in Port-de-Paix in November 2008, which appeared to implicate members of the Haitian police and judiciary. In addition, Haiti faces the significant possibility of politically linked violence in connection with the electoral process.

24. At a time when the Haitian National Police is unable to respond alone to such threats to the country's stability, MINUSTAH troops and police, including its formed police units, continue to play an indispensable role in ensuring a secure and stable environment within which political processes can advance and in helping to promote public order. Over the past six months, the Mission's military component has been adjusted as envisaged in my previous report, with the establishment of a maritime component following the delivery of 16 patrol boats and the incorporation of an additional engineering company through the replacement of a corresponding number of infantry soldiers. A ninth formed police unit has been deployed within the Mission, as originally authorized by Security Council resolution 1780 (2007).

25. During the reporting period, MINUSTAH military and police personnel worked closely with the Haitian National Police to maintain a heightened rhythm of patrolling and operations to deter criminal activities in urban areas and to improve information-sharing, communication and collaboration with the general public. Those efforts paved the way for the dismantling of a number of kidnapping rings in the second half of 2008 and a significant decline in reported kidnappings. There had been a significant rise in the number of kidnappings during the first half of 2008, reaching about 30 cases per month; as at February 2009, the figure had declined to about 7 cases per month, representing a decrease of 75 per cent. Meanwhile, in cooperation with the Haitian National Police, the Mission began maritime patrolling in January, using boats located at Port-Salut, Killick (near Port-au-Prince) and Fort-Liberté. Starting in February, MINUSTAH military and police personnel, working jointly with the Haitian National Police, launched regular joint integrated border patrol operations, drawing on land, air and maritime capabilities. This activity will be supplemented with further patrols from additional bases around the coast once ongoing preparations of the port areas are complete. While these activities can help to promote security, extend State authority, deter trafficking and enhance revenue collection, it is essential that they be complemented through bilateral initiatives and cooperation, particularly from countries in the region.

26. The security situation will be kept under constant review in the coming months, together with the development of Haitian security capabilities, as described below, in order to facilitate the consideration of the optimal configuration for the Mission in conjunction with the expiration of its present mandate on 15 October.

27. MINUSTAH continued to implement its community violence reduction programme and to provide advice and assistance to the National Disarmament,

Dismantlement and Reinsertion Commission, with a particular focus on 12 priority violence-affected areas that were identified jointly with the Haitian authorities.

28. During the reporting period, with support from MINUSTAH, a total of 14 labour-intensive projects were completed by February, which employed 11,688 workers, of whom 3,500 (30 per cent) were women. A nine-month professional training course for 148 former armed individuals, the third in a series, was completed in November. Pilot training projects were launched in the national penitentiary and the Pétion-Ville prison for women, with a view to facilitating the future social reinsertion of 400 male and female detainees. Some 550 unschooled youth at risk who are within the priority areas began a six-month skills training course in February. Together with national and local counterparts, MINUSTAH conducted campaigns advocating non-violence, tolerance and peace in all 12 priority areas and implemented jointly with the Ministry of Education a primary school outreach project promoting a culture of non-violence, which targeted 30,000 children in 60 schools.

29. MINUSTAH and the United Nations Development Programme (UNDP) continued to assist the Ministry of Justice in the ongoing review of legislation on firearms and in upgrading the Haitian National Police weapon registry system. As at 10 February, a total of 3,935 weapon licences had been issued to begin the replacement of the 6,100 less secure versions that had been issued between 2004 and 2006. A further 782 licences had been issued to begin the replacement of registrations issued prior to 2004 for some 25,000 weapons that had expired.

V. Reform of rule-of-law structures

Strengthening the security capacity of Haiti

30. Enhancement of the capacity of the Haitian National Police remains a key prerequisite to enable Haiti to respond to threats to its own stability without external support. Progress was achieved during the reporting period in the professionalization of officers, the enhancement of institutional capacity and the development of key infrastructure, with a combination of technical support from MINUSTAH and bilateral assistance. While those initiatives contributed to an incremental increase in the capacity of the Haitian National Police, significant further efforts are required in order to attain by the end of 2011 the objectives outlined in the police reform plan. The issuance, as expected, of the report of the Presidential Commission on Security could contribute to the definition of an overall security structure for the country that extends beyond a basic policing capability, although the limited availability of resources must be borne in mind.

31. The seven-month basic training programme for the twentieth promotion, comprising 702 cadets (of whom 86 are female), was completed in February, bringing the total number of active Haitian National Police officers to 9,247. Training for the twenty-first promotion, which comprises a further 483 cadets (of whom 104 are female), began on 31 December, and graduation is scheduled for the second half of 2009. The nationwide recruitment process for the twenty-second promotion was launched in September and generated more than 70,000 applications. A further expansion of the training facilities at the Haitian National Police school is now envisaged, with the objective of providing it with additional capacity to conduct higher-level training, in addition to the basic training that it can now

provide for two 700-cadet promotions simultaneously. Following major delays in the recruitment of cadets in 2008 (see S/2008/586, para. 26), it is essential that the Haitian authorities continue to prioritize the recruitment process if the police reform plan targets are to be met within the envisaged time frame.

32. The courses at the Haitian National Police school were supplemented during the reporting period by specialized and field coaching courses, supported by MINUSTAH and bilateral partners, with a view to reinforcing police capacity for intermediate-level management and supervision. The expected deployment of more than 1,000 new officers in 2009 will require an enhancement of such activities. Meanwhile, a training programme for 120 Haitian National Police inspectors began in November 2008, with a planned completion date of May 2009. A number of officers also benefited from advanced training abroad, drawing on scholarships provided through bilateral assistance.

33. Certification and vetting activities are ongoing in 8 of the 10 departments of Haiti in a joint effort of representatives of the Haitian National Police Inspector-General and MINUSTAH police and human rights components. At the time of writing, 5,378 investigation files had been opened to verify the professionalism and integrity of Haitian National Police officers, of which some 1,009 had been submitted to the Inspector-General for decision.

34. With regard to the strengthening of institutional capacity, the Haitian National Police has developed an operational strategy to enhance its ability to patrol land and maritime borders, including training outlines and the identification of required infrastructure and logistical capacity. Projects have already been launched to rehabilitate 15 commissariats close to the border with the Dominican Republic. Initiatives to strengthen the investigative capacity of the judicial police are also ongoing, including the renovation and expansion of facilities to support fingerprinting and communication with INTERPOL and the installation of computer networks that can facilitate communication among various police locations. Meanwhile, the rehabilitation of a police centre in Cité Soleil was completed during the reporting period with bilateral support. The establishment of this substantial base marks a significant milestone in the stabilization of Cité Soleil, since it will pave the way for civilian law enforcement agencies to maintain order in an area where major security operations were required to restore State authority little more than two years ago. The Government has also refurbished 14 commissariats in the South Department, with bilateral assistance, drawing on support from MINUSTAH and UNDP.

Judicial system

35. During the reporting period, the Haitian authorities made only limited progress towards the objectives identified in the national plan for justice reform, including on the implementation of the three fundamental laws on the independence of the judiciary.

36. The establishment of the Superior Council of the Judiciary, envisaged for September 2008, has been delayed. The vetting of nominees continued during the reporting period, focusing on their academic and professional backgrounds, property in their possession and integrity and character. It is urgent that this body be established, since it will ultimately play a key role in promoting the professional ethics and performance of the judiciary, including through the judicial inspectorate.

Meanwhile, in February, the Minister of Justice announced the establishment of the Ministry's internal inspectorate which, pending the establishment of the Superior Council of the Judiciary, will oversee all magistrates and Ministry staff. Once the Council and its inspectorate have been established, the Ministry's internal inspectorate will continue to oversee prosecutors and Ministry staff.

37. The preparations necessary for the official opening of the School of Magistrates have been completed; its inauguration, scheduled for mid-March, will mark a significant step forward, since it could help to remedy a severe shortage of skilled personnel in key positions, which have until now been filled on an ad hoc basis. Meanwhile, the training of judges of the peace continues to take place. Two additional groups of 25 judges completed a six-week course during the reporting period, bringing the total trained to 75 over the past year. A training curriculum for registry clerks is under development, as is a training programme for prosecutors, which is expected to begin shortly.

38. Draft legislation on the restructuring of the Ministry of Justice, drawing on support from MINUSTAH and UNDP, is currently undergoing internal review, together with legislation on the statutes of registry clerks and bailiffs, which was submitted to the Ministry by their respective professional associations in March 2008. Meanwhile, no further progress has been achieved towards the establishment of the 160 new courts referred to in my previous report, nor have there been advances towards the establishment of specialized chambers, to which some members of the Haitian judiciary have expressed opposition.

39. In October, new registers were distributed on a pilot basis to several tribunals for the registration and filing of criminal cases with a view to improving their case-tracking capacity. Following an evaluation of the project's outcome and the necessary adjustments, the distribution of registers would be extended to all tribunals in the country. In the area of juvenile justice, a fully staffed juvenile tribunal is now functioning in Cap-Haïtien, albeit with some logistical difficulties.

40. Two new legal aid offices were opened in Croix des Bouquets and Fort-Liberté in October, bringing the total number of such offices to nine by the end of 2008. Further donor support is necessary to permit the opening of 9 additional offices by 2010 in order to reach the envisaged total of 18. The Government is expected to gradually assume responsibility for their funding, reaching 100 per cent by 2014. A *maison de la justice*, similar to that already functioning in Cité Soleil, is expected to open in Gonaïves in March.

41. More than 87 per cent of detainees in the national penitentiary were held in pretrial detention, as were more than 78 per cent of detainees nationwide. Although these figures reflect some improvement since my previous report, they remain unacceptable. The Haitian authorities plan to undertake a comprehensive inventory of the correctional and judicial status of inmates, drawing on MINUSTAH support, with a view to facilitating a decrease in pretrial detentions and prison overcrowding. The Ministry of Justice has also initiated a project to establish a new courtroom in Port-au-Prince that would permit an increase in daily criminal hearings from 4 to 12. Meanwhile, on 10 December, the Minister of Justice publicly announced the establishment of a new National Commission on Pretrial Detention, composed of national experts, to follow up on the recommendations of the work completed by the previous Consultative Commission on Pretrial Detention. The new Commission held its first meeting on 6 February.

42. On 19 February, President Préval officially launched a follow-up commission on the reform of the judiciary, to be known as the working group on the reform of the judiciary. The working group includes legal academics, members of the bar association and members of civil society. Its main objective is to support the acceleration of the judicial reform process through specific short- and long-term proposals within the framework of the national reform plan, as well as by convening broad-based meetings across the country to discuss the modalities of the process and gain local support for these reform initiatives.

Corrections system

43. Some progress took place in initiatives to enhance corrections capacity during the reporting period, with bilateral support. However, the prison population has continued to expand: as at 12 February, 8,202 inmates (of whom 391 were women and 309 minors) were held in the country's 17 prisons, which comprise a total of only 4,884 square metres of living space, or 0.6 square metres per inmate. In the national penitentiary in Port-au-Prince, 3,875 detainees occupied 1,995 square metres, or 0.51 square metres per prisoner, far below the international norm of 2.5 square metres, which reflects a basic minimum in terms of safety and human rights.

44. The first phase of reconstruction at the Hinche (Centre Department) and Carrefour (West Department, near Port-au-Prince) prisons, funded by the Government, was completed in December. The second phase, which will result in the expansion of prison space by 232 and 420 beds respectively, has been delayed on budgetary grounds. Rehabilitation of the prison facility in Cap-Haïtien began in December with Government and bilateral support, and will result, once completed, in an additional capacity of 74 beds. Meanwhile, construction of a new 750-bed facility in Croix-des-Bouquets (also near Port-au-Prince) is expected to begin in March, after previous plans to convert a former psychiatric hospital into a prison had to be abandoned because of concerns about the soundness of the structure.

45. Since August 2008, MINUSTAH has trained 95 prison inspectors and supervisors in prison operations and emergency response. This programme, which is expected to be completed by the end of March, has already helped to enhance the functioning of the prison system.

VI. Human rights

46. With 78 per cent of the population living on $2 or less per day, extreme poverty remains one of the most far-reaching and complex challenges facing Haiti, with profoundly deleterious effects on human rights, as well as on political and social stability. The ability of the Haitian people to enjoy basic economic, social and cultural rights suffered a further, dramatic decline in the wake of the August-September 2008 storms, the impact of which was exacerbated by already existing deficiencies in infrastructure and in the State's emergency response capacity.

47. During her visit to Haiti in November 2008, the United Nations High Commissioner for Human Rights, Navanathem Pillay, saluted the efforts of the Government of Haiti and the international community in restoring security to the nation, but called for reinforced support for the victims of the cyclones. The newly appointed Independent Expert on the situation of human rights in Haiti, Michel Forst,

also visited the country in November and emphasized the link between extreme poverty and instability.

48. During the reporting period, in the first nationwide effort to promote better respect for economic, social and cultural rights, MINUSTAH and the Office of the United Nations High Commissioner for Human Rights (OHCHR) conducted a two-month campaign on the right to safe drinking water jointly with the Ministry of Public Works, the United Nations Children's Fund (UNICEF) and UNDP. At the local level, MINUSTAH and OHCHR also involved national and international non-governmental organizations in implementing water purification, distribution or management projects. They also produced a promotional film on the right to water in Haiti, which will be presented at a United Nations water conference to be held in 2009.

49. Overcrowding and inhumane conditions in the prisons and police holding cells remained the most frequent violations of political and civil rights. In addition, despite overall improvements in police conduct, there continue to be reports of excessive use of force, unlawful arrests, detentions and liberations, as well as poor quality of judicial investigations. Lynching continued to be a widespread phenomenon throughout the country, with very few cases being the object of police or judicial action and perpetrators continuing to benefit from impunity.

50. MINUSTAH and OHCHR continue to support the work of the Office de la protection du citoyen, and to advocate its strengthening through the adoption of enabling legislation and the provision of adequate funding. The draft organic law on the Office has been with the Government for consideration and review since July 2007. Meanwhile, despite some increase in funds for the Office foreseen in the draft 2009 budget, which would enable it to open new offices in four departments, its funding remains largely insufficient.

Gender

51. The appointment of a female Prime Minister and two female cabinet ministers represents a significant step forward in terms of the representation of women in leadership positions. However, at the Parliamentary level, the representation of women remains poor: only 4 of 99 deputies and 2 of 18 senators are female, while 7 women are candidates in the forthcoming senatorial elections. Further efforts will be necessary to promote women's participation in the political arena.

52. During the reporting period, the Mission carried out a three-week programme entitled "Women in action" in its multimedia centres throughout the country, to commemorate the adoption of Security Council resolution 1325 (2000) and to mark the International Day for the Elimination of Violence against Women, on 25 November, bringing together approximately 4,500 participants in 88 activities.

53. Also during the reporting period, Concertation Nationale contre les violences faites aux femmes, a national coordination organization, finalized a national questionnaire to document cases of gender-based violence and carried out training for various governmental partners and members of civil society. In addition, the United Nations police trained the Haitian National Police gender focal points and conducted sensitization sessions on sexual and gender-based violence in 49 police stations in the West Department for 700 Haitian National Police officers of both sexes. The Concertation Nationale also compared statistics collected from 2003 to 2008. According to partial data, rape has most frequently occurred in domestic

settings; gang rapes have significantly decreased since 2005 and have remained constant since 2007; and minors accounted for approximately half of all rape victims.

54. In January 2009, the Government of Haiti presented its combined initial and periodic reports to the Committee on the Elimination of Discrimination against Women in Geneva.

Child protection

55. The overall threat to children's rights from armed violence continued to diminish, in particular with a significant reduction in the kidnapping of children. During the reporting period, 22 minors were reported to have been kidnapped, of whom 11 were girls. However, the trafficking of minors, sexual violence against children and the situation in institutional care centres continued to be of serious concern.

56. The 2008 hurricane season had a particular impact on the educational system in Haiti because of both the destruction of school structures and the use of schools as temporary shelters for displaced households. This led to a delay in the start of the school year in various areas, particularly in Gonaïves.

57. Prolonged pretrial detention of minors remained a concern, in particular in the Gonaïves prison, where minors are mixed with adults, and in the Delmas 33 prison (in greater Port-au-Prince), where overcrowding is severe. MINUSTAH, UNDP and UNICEF continued to work with the Government to improve the administration of juvenile justice. While juvenile judges were appointed throughout the country between October and December 2008 and a juvenile tribunal was established in Cap-Haïtien, the number of minors in pretrial detention nonetheless increased from 246 in June 2008 to 276 in January 2009.

HIV/AIDS

58. During the reporting period, the Mission undertook sensitization training on issues related to HIV/AIDS for 2,758 members of its personnel. At the same time, MINUSTAH supported the launch of a Haitian women's group that is focusing on AIDS-related issues and, together with the Ministry of Health and national and international non-governmental organizations, organized awareness training for more than 800 community leaders, journalists and members of civil society at the Mission's multimedia centres. The Mission also organized training sessions for Haitian medical personnel, members of the Haitian National Police and vulnerable groups, including former gang members.

VII. Humanitarian, recovery and development activities

Socio-economic situation

59. Following the already bleak socio-economic situation described in my previous report, Haiti suffered a new and devastating blow with the passage of the four successive hurricanes and tropical storms, namely, Fay, Gustav, Hanna and Ike, which hit Haiti in August and early September. The result has been to gravely undermine progress in all of the key areas noted in my previous report, from the country's gross domestic product (GDP), State revenue, and agricultural and

industrial production to the delivery of basic services, job creation and the percentage of the population living on less than $1 per day.

60. The immediate human cost of the disasters included 793 deaths, 548 persons injured and 310 persons missing, while the damage or destruction of approximately 100,000 houses and the loss of already precarious livelihoods affected more than 165,000 families, especially in the Artibonite, South and South-East Departments. Overall, the Government estimated that more than 800,000 people were affected and in need of humanitarian assistance in 9 of the country's 10 departments.

61. This catastrophe also represents one of the most serious disasters in economic terms that the country has faced since the beginning of the twentieth century, resulting in a significant decrease in the forecasts for economic growth for 2008 and 2009 and diminishing still further the possibility of achieving the Millennium Development Goals in Haiti. Total losses and damage are valued at 15 per cent of GDP, more than twice the 7 per cent GDP loss inflicted by tropical storm Jeanne in 2004. The limited social services that exist in the country were severely affected, while the widespread destruction of agricultural crops has increased food insecurity. The damage to roads and bridges throughout the country represents a sharp setback for recovery efforts and further reduces access to basic services, including in the areas of health care, water and nutrition. Subsequently, pockets of malnutrition were identified all over the country, affecting 210,000 persons.

62. Official estimates indicated that in 2008 GDP growth slowed to 1.3 per cent, down from 3.4 per cent in 2007, and became negative in per capita terms after three consecutive years of positive growth. The 12-month inflation rate peaked at 19.8 per cent in September 2008, but declined to 10.1 per cent by the end of December, largely because of falling international food and oil prices. The global financial crisis is likely to bring about a further deterioration in the daily living conditions experienced by many Haitians during the coming year by reducing the scale of remittances from abroad, which have represented a key source of desperately needed support for many families.

Humanitarian and development interventions

63. In the immediate aftermath of the hurricanes, MINUSTAH, the United Nations system, non-governmental organizations and bilateral donors supported the Haitian authorities by delivering emergency assistance and relief supplies to affected populations, focusing on such urgent needs as shelter, nutrition, water, sanitation and protection. A number of these efforts targeted the population of Gonaïves, where the devastation was by far the most significant. Working alongside United Nations agencies, non-governmental organizations and national authorities, MINUSTAH military, police and logistical components played a key role in undertaking rescue operations, providing immediate security, facilitating the delivery of emergency supplies and shoring up collapsing infrastructure immediately after the hurricanes. Their efforts were further supplemented by bilateral partners, whose swift and generous response made a critical difference in rescue and relief efforts.

64. During the reporting period, agencies reprogrammed funds to address humanitarian emergencies caused by the storms. The Central Emergency Response Fund allocated $10 million from its rapid response window. The International Fund for Agricultural Development provided $10 million to support efforts to boost agricultural production. The World Food Programme (WFP) distributed 12,306 tons

of food to 646,926 direct beneficiaries, including 9,357 tons in Gonaïves, totalling $37 million. The beginning of the 2008/09 school year represented a particular challenge for the Government and its partners. Up to 98 per cent of the cost of school meals was funded by partners, in particular WFP, which provided $17.2 million in assistance. Labour-intensive programmes conducted jointly by United Nations agencies focused on the environment and the rehabilitation of infrastructure and helped to create 500,000 temporary jobs. Some 3.7 million children were vaccinated in 2008 in the country-wide campaign organized jointly by the World Health Organization and UNICEF, with support from MINUSTAH.

65. A flash appeal, which was launched in September and subsequently revised on 18 December, requested $127 million in assistance over an eight-month period to provide emergency relief to 800,000 people affected by the storms, focusing on humanitarian needs. To date it has received $63 million in funding, or approximately half the total sought. Subsequently, a post-disaster needs assessment, prepared by the Government with the support of the World Bank, the European Commission and the United Nations, outlined a comprehensive framework for early recovery, rehabilitation and reconstruction. Needs were estimated at $763 million, of which one third ($269 million) would be dedicated to the immediate recovery of affected communities and the remainder would support the restoration of agricultural output and the reconstruction of housing and infrastructure. The post-disaster needs assessment also offers suggestions on the types of activities that may reduce the vulnerability of Haiti to natural disasters. In addition, in November, the United Nations Development Assistance Framework was approved as a United Nations common response in support of the poverty reduction strategy paper 2008-2010, with $520 million required for its implementation during the next three years.

66. Alongside these efforts to help Haiti emerge from the immediate crisis situation and to enhance access to basic social services, it is essential that the country seek to lay the foundations for progress towards sustainable development in the longer term. This will require a concerted effort by the Haitian authorities, who must create a framework that is favourable for investment and development, together with the international community and the private sector in Haiti and abroad.

67. In this context, I dispatched Professor Collier to Haiti in early December to take stock of the situation and make practical recommendations on how to help Haiti break the cycle of violence, poverty and natural disaster. His report, entitled "Haiti: from natural catastrophe to economic security", stresses that the economic fundamentals of Haiti are strong, including its proximity to major international markets, highly advantageous trade agreements and a capable and willing labour force. He suggests that, in order to take advantage of this potential, it is desirable that the Haitian authorities work together with donors to undertake a targeted programme to create export zones with adequate infrastructure, energy and administration that can meet the requirements of investors. He argues that such an approach could help to generate a substantial number of jobs. Combined with parallel efforts to enhance the delivery of basic services, improve food security and promote environmental sustainability, it could pave the way for Haiti to cross a critical threshold from enduring poverty towards a future of socio-economic security. The report has elicited positive reactions from President Préval, Prime Minister Pierre-Louis, the private sector in Haiti and key members of the international donor community. As such, it provides a valuable complement to the

blueprint already prepared in the context of the poverty reduction strategy paper and the post-disaster needs assessment.

68. It is desirable that the Haitian authorities draw upon these various ideas to prepare a common road map or compact, with mutual commitments by the Haitian Government and donors, which could be considered at a donors' conference (see para. 70 below) and could lay the groundwork for a coherent and effective programme for the future.

Donor coordination

69. In October 2008, the Group of 10 presented a workplan to Prime Minister Pierre-Louis and articulated a proposal for a donor sector coordination system and for more frequent and structured dialogue with the Government. The workplan outlined the major areas in which the Group of 10 would like to have a common voice vis-à-vis the Government, including a joint approach to communications, sector coordination and agreed indicators of governance. A subsequent review suggested that the initiative had contributed significantly to the establishment of Government-led sectoral tables in such areas as agriculture and watershed management.

70. Drawing on support from the international community, the Government is preparing for a technical conference hosted by the Government of Canada, held in Ottawa on 2 and 3 March, in advance of an international donor conference hosted by the Inter-American Development Bank, scheduled to be held in Washington, D.C., on 13 and 14 April.

VIII. Personnel conduct and discipline

71. During the reporting period, MINUSTAH continued to implement a zero-tolerance policy with regard to sexual exploitation and abuse. Six formed police unit officers were repatriated for related misconduct, while one police officer and seven military personnel were repatriated for other disciplinary reasons.

72. In order to reduce the risk of future incidents of sexual exploitation and abuse, the Mission provided training to 2,620 staff on those issues during the reporting period and held training workshops for some 35 international and national sexual exploitation and abuse focal points in October. Military and police contingents also continued to provide training to their personnel on sexual exploitation and abuse. In addition, MINUSTAH has launched an internal campaign against transactional sex, drawing on a variety of means to convey the campaign's message, including a film festival. Communication of the Organization's policy against sexual exploitation and abuse was further supported through a series of field visits and outreach using the Mission's multimedia centres.

IX. Mission support

73. The series of hurricanes and tropical storms that struck Haiti had a significant impact on MINUSTAH. The Mission provided extensive assistance to the Haitian authorities and the United Nations country team to facilitate the provision and coordination of humanitarian assistance and access by humanitarian workers,

including through large-scale transportation operations. At the same time, the storms led to the loss of certain United Nations-owned equipment and critical supplies, such as fuel. Although much of the damaged equipment has been replaced, the reconstruction of some MINUSTAH facilities, particularly in Gonaïves, continues to pose a challenge.

74. During the reporting period, MINUSTAH continued to conduct limited road infrastructure and rehabilitation development projects both in the regions and in Port-au-Prince in response to operational requirements. The Mission also undertook extensive construction activity to deploy troops and equipment along the maritime border, having established basic facilities at Fort-Liberté, Port-Salut and Port-de-Paix. Additional installations are being established in Gonaïves, Jacmel and Miragoâne.

75. During the coming months, the organization of the senatorial elections will require extensive logistical support, and preparations are already under way to meet this challenge without undue disruption to ongoing Mission operations.

76. During the reporting period, 3 Mission personnel died, 10 were medically evacuated and treated within Haiti and 72 were evacuated to higher-level medical facilities outside Haiti.

77. Since my previous report, the coverage of Radio MINUSTAH was extended to the Centre Department. It is planned that transmitter installations will be completed in four additional departments by mid-2009, enabling Radio MINUSTAH to reach the population of 8 of the country's 10 departments. Radio programming is also streamed on the Internet; this has permitted access to Haitians abroad, who have responded positively to daily public-service radio broadcasts in Creole and French.

78. By the end of 2008, 616 civil society associations had registered to use the nine MINUSTAH multimedia centres. During the reporting period, the centres supported 323 events, including training activities, workshops, debates and commemorations of United Nations Day, which involved more than 20,000 Haitians (of whom 36 per cent were women). The Mission plans to install videoconferencing facilities at all the centres, thereby extending and broadening dialogue among Haitians, including those living abroad.

79. In October 2008, MINUSTAH started producing and disseminating for broadcast on Haitian television stations, both within the country and in North America, a weekly video programme focusing on positive economic and social initiatives undertaken by Haitians, as well as on the contributions of the international community to stability. Many such programmes have been shown by international broadcasters, thus increasing the visibility of Haiti abroad.

X. Financial aspects

80. By its resolution 62/261, the General Assembly appropriated an amount of $574,916,500, equivalent to $47,909,700 per month, for the maintenance of MINUSTAH for the period from 1 July 2008 to 30 June 2009. The proposed budget for MINUSTAH for the period from 1 July 2009 to 30 June 2010 has been submitted to the Assembly for its consideration at the second part of its resumed sixty-third session.

81. As at 31 December 2008, unpaid assessed contributions to the Special Account for MINUSTAH amounted to $273.2 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,673.1 million.

82. As at 31 January 2009, the amount owed to contributors of troops and formed police to MINUSTAH totalled $18.5 million. Reimbursement of troop and contingent-owned equipment costs have been made for the periods ending 30 November and 30 September respectively, in accordance with the quarterly payment schedule.

XI. Observations and recommendations

83. The reporting period was dominated by the tragic aftermath of the hurricanes and tropical storms that passed through Haiti in August and September. As a result, progress in some key areas has fallen short of expectations. There have been incremental advances in four of the five benchmarks that are critical for the consolidation of Haiti's stability: political dialogue and elections; extension of State authority, including border management; strengthening of security; and rule of law and human rights. In the fifth area, social and economic development, there has unfortunately been a marked deterioration, in terms of the daily living conditions faced by the vast majority of the Haitian people.

84. Those achievements which have been reached remain very fragile and are subject to reversal. Continued, determined engagement by the Haitian authorities, together with enhanced support by the international community, will be critical in the coming months to recover ground that has been lost, while securing and building on the gains that have been made.

85. As regards political dialogue and elections, the installation of the Government of Prime Minister Pierre-Louis represented an important step forward. The enhanced collaboration that emerged between the executive branch, the Parliament and civil society in response to the storms offered further grounds for encouragement, as did the agreement of the executive and legislative branches on a shared legislative agenda and President Préval's call for renewed national dialogue. On the other hand, the potential for renewed political division and paralysis were highlighted by the continued parliamentary threats to summon Government ministers, the absence so far of an agreement on the 2008/09 budget and the modest progress made to date on the legislative agenda.

86. While the elections for vacant Senate seats could ultimately favour greater institutional effectiveness, they bring a short-term risk of further tension. In this context, every effort should be made to ensure that this democratic exercise is free, fair and inclusive and that it culminates in the selection of candidates with the necessary moral and professional qualities. More broadly, it is essential that the Haitian leadership continue to embrace a collaborative approach and that it be prepared to take decisions and implement them in a timely manner; without this, the country cannot hope to address longer-term issues, including a possible review of problematic provisions of the 1987 Constitution.

87. The extension of State authority depends on the strengthening of key institutions, which is a long-term endeavour. The Mission will continue to focus on

the areas of administrative capacities of governing institutions at all levels, integrated border management and border security, all of which are closely linked to its core mandated responsibilities. However, it remains essential to find ways to enhance the country's broader administrative and governance capacity and to improve the Government's ability to deliver basic services to its people, which is critical for stability. While a number of bilateral initiatives are under way, their overall impact would be enhanced through improved coordination within an overarching, nationally owned framework for State reform, building on previously prepared blueprints, which could draw as appropriate on contributions from the United Nations.

88. During the reporting period, continued progress was made towards milestones in the area of security. Increased collaboration between MINUSTAH, the Haitian National Police and the Haitian public contributed to a more effective response to threats from criminal elements. Meanwhile, efforts to enhance the capacity of the police continued. There is a high risk, however, of renewed unrest or violence, which has been exacerbated by socio-economic circumstances, including the suffering brought about by the storms and, more recently, by tensions related to the ongoing electoral process, which could be manipulated for political or criminal reasons. At a time when the Haitian National Police is still developing the capacity to respond to such threats on its own, the present configuration and mandate of MINUSTAH, as approved by the Security Council in October 2008, will enable the Mission to continue to play its role in maintaining the country's stability. Meanwhile, the Mission's enhanced patrolling of land and maritime borders should be complemented through the engagement of other countries in the region, whose involvement is critical to responding to broader problems, including the potentially destabilizing impact of drug trafficking.

89. Limited progress has been made during the reporting period in the area of the rule of law and human rights, and real advances towards a number of critical milestones will depend upon political prioritization by the Haitian authorities. Their full engagement will be critical to ensuring the establishment of the Conseil supérieur du pouvoir judiciaire, the opening of the École de la magistrature and the strengthening of the Office de la protection du citoyen, as well as the implementation of the strategic plan to expand the country's correctional facilities. Continued generous bilateral support also remains indispensable.

90. Finally, the damage inflicted by the tropical storms and hurricanes has made starkly apparent the urgent need to improve the daily living conditions of the Haitian people and the linkage between security stabilization and development, since the current levels of poverty, deprivation and suffering in the country are clearly incompatible with its long-term stability. The global financial crisis brings the risk of further deterioration due to a decrease in remittances, unless a major effort is made now to respond to socio-economic threats. It is urgent that the Haitian authorities work closely with the international community to facilitate the flow of necessary relief and recovery, while laying a foundation for renewed private-sector activity and for the country's longer-term reconstruction and development. In this regard, along with the poverty reduction strategy paper and the post-disaster needs assessment, the proposals outlined by Professor Collier provide the elements of a critical path towards lasting economic security for Haiti. The convening of a high-level conference on growth and poverty reduction offers a precious opportunity to merge these ideas into a comprehensive and coherent plan of action and to jump-

start its implementation. Even within the current financial climate, it is vital that an additional effort be made at this time; the resources required would be relatively modest in absolute terms, but, as in other countries facing socio-economic pressures, a timely injection of support around a well-designed strategy could make a critical difference in securing the gains that have been achieved thus far and in pre-empting a backward slide that would entail far greater cost in the long term.

91. Notwithstanding the serious difficulties encountered during the reporting period, the present situation still offers an opportunity to advance towards the consolidation of stability, given the necessary patience and perseverance. The continued engagement of the international community, through support for security and rule-of-law institutions, technical advice and provision of necessary resources, remains essential. However, such assistance will bear fruit only if the Haitians themselves bring to their longer-term challenges the same level of resolve and spirit of consensus that they displayed in the immediate aftermath of the storms. The design and implementation of institutional reforms, the adoption of sound legislation, the crafting of an economic strategy and, above all, the reinforcement of dialogue and political collaboration, can be achieved only through the full engagement of the leadership and people of Haiti, who remain responsible for their country's future.

92. I would like to conclude by expressing my sincere gratitude to my Special Representative, Hédi Annabi, and to the men and women of MINUSTAH for their courage and dedication to the stabilization of Haiti, as well as to those Governments which have provided troops and police to the operation.

Annex I

Countries providing military staff and contingents to the United Nations Stabilization Mission in Haiti

(as at 26 February 2009)

	Staff officers		*Troops*		
Country	*Female*	*Male*	*Female*	*Male*	*Total*
Argentina		9	10	539	558
Bolivia		3	5	200	208
Brazil		15[a]	6	1 261[b]	1 282
Canada		4	—	—	4
Chile		6	5	492	503
Croatia		3	—	—	3
Ecuador		1	—	66	67
France		2	—	—	2
Guatemala		5	6	107	118
Jordan		10	—	718	728
Nepal		10	13	1 054	1 077
Paraguay		—	—	31	31
Peru		5	—	204	209
Philippines		2	11	144	157
Sri Lanka		10	—	949	959
United States of America		4	—	—	4
Uruguay		13	50	1 059	1 122
Total		**102**	**106**	**6 824**	**7 032**

[a] Including the Force Commander.
[b] Including one Bolivian officer serving with the Brazilian contingent.

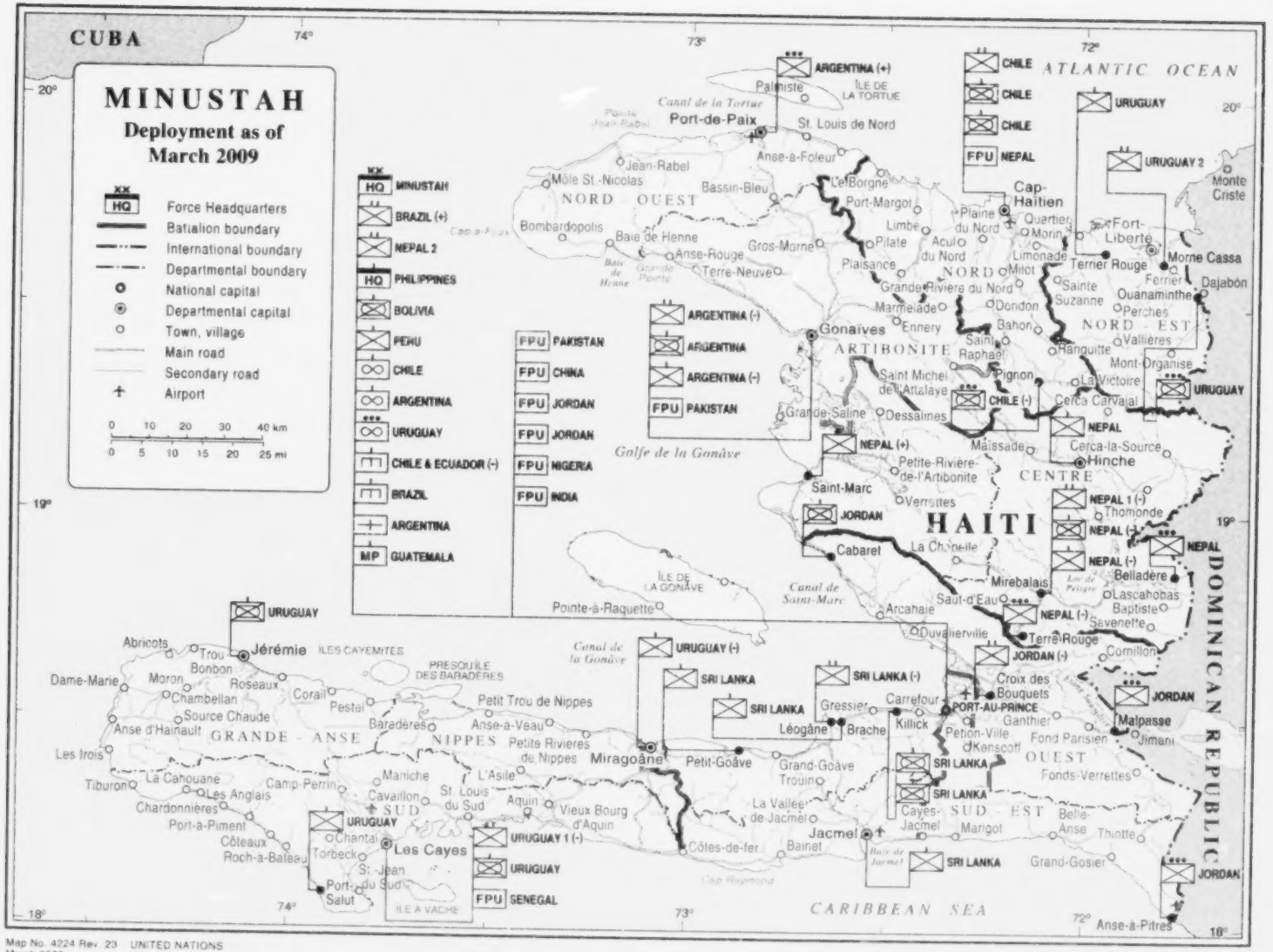
Annex II

Countries providing police officers and formed police units to the United Nations Stabilization Mission in Haiti

(as at 25 February 2009)

	Police officers		*Formed police units*		
Country	*Female*	*Male*	*Female*	*Male*	*Total*
Argentina	—	4	—	—	4
Australia	—	—	—	—	—
Benin	1	31	—	—	32
Brazil	—	4	—	—	4
Burkina Faso	—	22	—	—	22
Cameroon	—	8	—	—	8
Canada	17	77	—	—	94
Central African Republic	1	6	—	—	7
Chad	—	3	—	—	3
Chile	1	14	—	—	15
China	4	14	5	120	143
Colombia	—	7	—	—	7
Côte d'Ivoire	5	55	—	—	60
Democratic Republic of the Congo	—	2	—	—	2
Egypt	—	22	—	—	22
El Salvador	—	4	—	—	4
France	1	57	—	—	58
Grenada	—	3	—	—	3
Guinea	4	51	—	—	55
India	—	—	—	139	139
Italy	—	4	—	—	4
Jamaica	—	5	—	—	5
Jordan	—	21	—	290	311
Madagascar	—	1	—	—	1
Mali	1	54	—	—	55
Mexico	—	—	—	—	—
Nepal	3	41	9	115	168
Niger	3	59	—	—	62
Nigeria	—	4	30	94	128
Pakistan	—	—	—	247	247
Philippines	5	13	—	—	18
Romania	6	17	—	—	23
Russian Federation	—	10	—	—	10
Rwanda	—	14	—	—	14

Country	Police officers		Formed police units		Total
	Female	Male	Female	Male	
Senegal	—	46	—	85	131
Serbia	1	4	—	—	5
Spain	3	38	—	—	41
Sri Lanka	—	13	—	—	13
Togo	—	5	—	—	5
Turkey	3	43	—	—	46
Uruguay	—	7	—	—	7
United States of America	6	38	—	—	44
Yemen	—	1	—	—	1
Total	**65**	**822**	**44**	**1 090**	**2 021**



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